

## **EXHIBIT 39**

1

2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK

3 -----X  
4 MARK I. SOKOLOW, et al.,

4 PLAINTIFFS,

5

6 -against- Case No:  
7 04CV397 (GBD) (RLE)

8 THE PALESTINE LIBERATION ORGANIZATION,  
9 et al.,

DEFENDANTS.

10 -----X

11

12 DATE: December 12, 2012

13 TIME: 3:00 P.M.

14

15 DEPOSITION of NURIT MANDELKORN,  
16 taken by the Defendants, pursuant to Notice  
17 and to the Federal Rules of Civil  
18 Procedure, held at the offices of Morrison  
19 & Foerster, 1290 Avenue of the Americas,  
20 New York, New York 10104, before Robert X.  
21 Shaw, CSR, a Notary Public of the State of  
22 New York.

23

24

25

1 Nurit Mandelkorn

2 testimony here today?

3 A. No.

4 Q. One thing I should have said at  
5 the beginning, is that everything, anytime  
6 I ask a question, you have to answer  
7 audibly because the court reporter can't  
8 take it down when you shake your head.

9 A. All right.

10 Q. Do you have any questions about  
11 the process?

12 A. No.

13 Q. All right. Tell me your date  
14 of birth.

15 A. August 11, 1957.

16 Q. And of what country or  
17 countries are you a citizen?

18 A. Israel. Only Israel.

19 Q. Have you ever been a citizen of  
20 any country other than Israel?

21 A. No.

22 Q. I understand that your husband  
23 is an American citizen; is that correct?

24 A. Yes.

25 Q. Did you ever consider becoming

1 Nurit Mandelkorn

## 2 THE INTERPRETER: 34?

3 THE WITNESS: (Speaking in  
4 Hebrew)

5 THE INTERPRETER: 34 years.

6 Q. All right.

7 THE WITNESS: (Speaking in  
8 Hebrew)

11 Q. Have you only been married the  
12 one time?

13 A. Yes.

14 Q. Has your husband been married  
15 to anyone other than you?

16 A. No.

17 Q. How many children do you have?

18 A. We had six, and one died.

19 O. Are your parents still living?

20 A. Yes.

## 21 O. Where do they live?

22 A. With us.

23 0. What is your address?

24                   A.     Shiloh.   It is Shiloh.   It is  
25   the mobile post of Efraim, which is

1 Nurit Mandelkorn

2 E-F-R-A-I-M, but I don't remember the box.

3 But the zip code is 44830, but normally you  
4 don't even need the post office box number.

5 Q. How many people live in Shiloh?

6 A. I think there are around 300,

7 maybe 350 families. But how many people, I  
8 don't know.

9 Q. Okay. Where is Shiloh located?

10                   A.        It is on the back of the  
11   mountain on the road from Nablus to  
12   Jerusalem.

13 Q. Okay. Is Shiloh located in the  
14 territory that was occupied by Israel in  
15 1967?

16 MR. SOLOMON: Objection.

17 A. In the liberated territory.

18                   Q.        Okay. The territory in which  
19        you currently live was not part of Israel  
20        prior to 1967; correct?

21 A. Correct.

22 Q. It is referred to by some  
23 people as occupied Palestinian territory;  
24 is that correct?

25 A. There are people that call it

1 Nurit Mandelkorn

2 that.

3 Q. Okay. It is also referred to  
4 as the West Bank by some people; is that  
5 correct?

6 A. Yes.

7 Q. And the town where you live is  
8 referred to by some people as a settlement;  
9 is that fair to say?

10                   A.        That is correct.  The Arabs  
11        call Tel Aviv a settlement, as well.

12 Q. But, Tel Aviv is within the  
13 1948 borders of Israel; is that correct?

14 A. Yes.

15 Q. Where you live is not; correct?

16                   A.            Correct.

17 Q. Okay. How long have you lived  
18 in Shiloh?

19                   A.        20 years, approximately.    Maybe  
20       21.

21 Q. Where did you live between the  
22 time you were first married and when you  
23 moved to Shiloh?

24 A. Sha'almim. S-H-A'-A-L-V-I-M.

25 At first in a Kibbutz by the

1 Nurit Mandelkorn

2 with the intent to affect others.

6 THE INTERPRETER: (Speaking in  
7 Hebrew)

8                   A.        And vitality.   You need  
9   positive energy.   And before he used to  
10   play more.

11 It is like we lost him a  
12 little. We got him back, but we lost a  
13 part of him.

14 Q. Okay. So, in terms of physical  
15 limitations on what he can do, the only  
16 thing you can think of that he can't do  
17 today as a result of the injury in June of  
18 2002 is watch 3D movies; is that right?

19                   A.       Um, but the way he sees --  
20       thank God that he can see, but seeing  
21       things with two eyes as opposed to seeing  
22       things with half an eye, it is not the  
23       same.

24 Q. Of course. Ma'am, you were not  
25 present when your son was injured in June

1 . . . . . Nurit Mandelkorn

2 of 2002; correct?

3 A. I was not.

4 Q. Are you aware of the identities  
5 of any persons who witnessed the bombing in  
6 which your son was injured? Other than  
7 your son, obviously.

8 A. There was a guy who actually  
9 saved him. It is an interesting story.

10 I don't know whether it is  
11 interesting to you, but -- um, there was  
12 somebody there at the French Hill, as the  
13 incident happened, he had just turned the  
14 corner. The French Hill is a type of  
15 intersection.

16 He had turned, he had already  
17 turned the corner, and then he heard the  
18 blast and he returned. He turned around  
19 and came back, because he has some  
20 knowledge of taking care of injured people.

21 I don't know whether he is a  
22 medic or something like that. I did not  
23 tell it to the psychologist.

24 So then he saw Shaul -- later  
25 on he learned that it was Shaul. He saw

1 Nurit Mandelkorn

2 Q. Ma'am, when did you first learn  
3 that lawsuits had been brought in your name  
4 in the United States?

5                   A.       The truth is that I never dealt  
6       with it. I left everything to my husband,  
7       so I never followed it.

8                   Q.        Okay.  Are you saying that  
9   prior to this year you were not aware that  
10   you were a plaintiff in lawsuits in the  
11   United States?

12                   A.        No. I knew there were  
13       outstanding lawsuits, but -- it has been a  
14       while, but exactly since when, I did not  
15       follow the time line.

16 Q. Do you know who the defendants  
17 are in the lawsuit that we are here about  
18 today?

19                   A.        Today, it is the Palestinian  
20                   Authority.

21 Q. Are you aware of any evidence  
22 that the Palestinian Authority had  
23 something to do with the injuries to your  
24 son Shaul?

25 A. We know that this suicide

1 Nurit Mandelkorn

2      bomber was a member of the Al Aqsa Brigade.

3 They accepted the responsibility.

8 Q. Okay.

9                   A.        As far as evidence, again, this  
10                  is the attorney's job.

11                   Q.        Okay.  Ma'am, you just  
12        described something called the Al Aqsa  
13        Brigade.  How do you know that the person  
14        who injured your son was part of the  
15        Al Aqsa Brigade?

16                   A.        Well, after the explosion, they  
17        accepted the responsibility for this  
18        terrorist attack.

19 Q. How do you know that they  
20 accepted the responsibility?

21                   A.        Um, we also heard it from our  
22 son, but again, I am leaving it to my  
23 attorneys.

24 Q. Ma'am, I appreciate your  
25 answer.

10 A. As I said, my son said so.

11 Q. Which son?

12 A. Yisrael.

13 Q. Has Yisrael ever communicated  
14 to you about this subject other than these  
15 two e-mails?

16                   A.        I suppose you are asking me as  
17        far as his professional aspect, as the --  
18        from the professional aspect.

22 But professionally, no.

23 Q. Well, the e-mails that are in  
24 front of you here are dated July and  
25 December of 2012.

6           A.       The truth is that I was not  
7        looking for the guilty party.   But, before  
8        the question came up, whether we will be  
9        traveling to the United States or not, we  
10       asked our son to find out whether this  
11       terrorist attack was or was not connected  
12       with the Palestinian Authority; whether it  
13       is worthwhile to come to the United States  
14       if it was not.

15 Q. So the first time that you ever  
16 asked anyone whether your son's injuries  
17 were connected to the Palestinian Authority  
18 was this year; is that correct?

19                   A.     To find out precisely who was  
20     behind it, it was this year.

21 I think that my husband knew  
22 about it all along, because otherwise we  
23 wouldn't have been connected to this  
24 lawsuit at all.

25 Q. So, ma'am, is it fair to say

1 Nurit Mandelkorn  
2 your only source of information about  
3 whether the Palestinian Authority had  
4 anything to do with the attack on your son  
5 Shaul are these e-mails from your son  
6 Yisrael?

7                   A.     You are asking me, personally?

8 Q. Yes, ma'am.

9                   A.        Yes, I was not really  
10                   interested in knowing exactly who was  
11                   responsible.

12 Q. Okay.

13                   A.        To me, what's important is that  
14        there are terrorists, and who is sending  
15        them -- (indicating).

16 I was not involved with that  
17 before, but I think that my husband knew it  
18 before.

19 Q. Okay. Ma'am, is it fair to say  
20 that you have never spoken to anyone from  
21 the Palestinian Authority about the attack  
22 on your son?

23                   A.     That's right, I never talked to  
24     anybody.

25 Q. Is it fair to say that you have

6 A. Right.

7 Q. Ma'am, are you asking to be  
8 paid money in this lawsuit for any injury  
9 you have suffered personally?

10 A. Yes.

11 Q. What injuries are you claiming  
12 for yourself?

13                   A.        The injuries that happened at  
14       the attack, during the attack. And all of  
15       the time period when Shaul was hospitalized  
16       with his injuries.

22 And how this situation affected  
23 me, and the rest of the family, and the  
24 other children. And how it affects me to  
25 this day.